

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERRICK TYRONE COLLINS,

Plaintiff,

v.

GAVIN NEWSOM,

Defendant.

Case No. [23-cv-01453-TSH](#)

ORDER TO SHOW CAUSE

Plaintiff Errick Tyrone Collins filed this case on March 28, 2023. Federal Rule of Civil Procedure 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” As there was no indication the defendant had been served, on June 28 the Court extended the deadline to complete service and ordered Plaintiff to comply with Rule 4’s service requirements by July 26, 2023. ECF No. 14. The Court advised Plaintiff that this case may be dismissed for failure to prosecute if proper service is not completed by this deadline.

To date, no proof of service of the summons and complaint has been filed. Accordingly, the Court **ORDERS** Plaintiff to show cause, in writing and no later than August 10, 2023, why this case should not be dismissed for failure to serve within the time required by Rule 4(m). Notice is hereby provided that failure to file a written response will be deemed an admission that Plaintiff does not intend to prosecute, and the case will likely be dismissed without prejudice.

Thus, it is imperative the Court receive a written response by August 10.

IT IS SO ORDERED.

Dated: July 28, 2023


THOMAS S. HIXSON
United States Magistrate Judge